

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of  
Creation of a Low Power Radio Service

MM Docket No. 99-25  
RM-9208, RM-9242

To: The Commission

I am in favor of a low power radio service. For me, broadcast ownership has been a lifelong dream. LPFM promises to benefit society with greater choice for listeners and maximum use of the FM spectrum. These informal comments regard a few things that could be a barrier to the success of LPFM. Please consider the following:

**I support licensing only 100 to 1,000 watt stations for LPFM service,** which should be held to most of the same operating rules as full-power stations. These power levels require more investment than microradio stations, and as such the owners are more likely to commit seriously to its operation and programming. Hobbyists lacking business acumen, engineering knowledge and understanding of copyright laws could be a huge liability to this new class of broadcast service.

**I support lottery as the sole means of resolving mutually exclusive applications.** Auctions would shut out the majority of deserving applicants for lack of wealth. LPFM is envisioned as a way to give everyone a fair chance at radio ownership—auctions are fair only to the wealthy. One alternative may be a first-come, first-served 5-day application window.

**2. Evidence that LPFM causes unacceptable interference is inconclusive at best.** It seems for every report stating LPFM degrades FM reception, there is another stating any degradation would be inaudible or nonexistent. Spacing similar to LPFM is used with success in other countries, and the proposal to eliminate Subcarriers (SCA) service LPFM stations together with power and height restrictions further reduces any risk posed by LPFM service.

**3. If the Commission is to give life to LPFM, it should consider reasonable efforts to protect against predatory activity.** This is most likely to come in the form of a retaliatory ‘stampede’ of applications for translators, antenna site relocations and power increases aimed at ‘short-spacing’ an LPFM station, forcing a shutdown. The major market radio industry is made up of wealthy, resourceful individuals with extremely talented lawyers. This kind of legal maneuvering should be expected, and it should be assumed that most LPFM operators would be ill suited to defend themselves against it. The Commission should monitor this activity with respect to LPFM allocations, making it clear that willful incursions with harmful intent towards LPFM will not be tolerated and should result in regulatory penalties.

If applicants are expected to invest enough to build a new radio station, there should be reasonable assurances that this investment is safe from willful incursions such as those described above. Full-power stations deserve preference, but allowing such heavy-handed tactics without question would mean few could justify even a minimal investment in light of the staggering risk involved.

I do not attribute much credibility to the comments of Lucent Digital Radio and others, who say reducing FM spacing interferes with their proposed digital radio system. If Lucent cannot figure out how to pass a compressed digital signal within the legally allowed 200 KHz bandwidth, that inability does NOT automatically give broadcasters the right to take possession of adjacent bandwidth. What’s next? Perhaps another digital radio company will win its customers by promising to develop a system so wasteful it colonizes all of a given station’s adjacent bandwidth, removing by design any competitive threat. By no means am I an expert in this technology, but does anyone actually believe this is the only alternative for achieving digital radio?

The fact is, regardless of how digital radio is realized, everyone will still have to purchase a new digital radio in order to receive it. Therefore, where this new service lies on the broadcast spectrum is of little consequence. Our approach to DTV has been to assign existing stations wherever additional space is available. Perhaps we should consider an alternative segment of the broadcast spectrum. The most glaring apparent problem with In-Band On-Channel (IBOC) is that it simply “fattens” the analog signal with digital information—which is just as likely to impair IBOC digital reception among the many short-spaced primary service stations as it would LPFMs in the more congested FM markets. LPFM or no LPFM, this system would be far from perfect.

For all the commentary there has been from the full-power radio industry about interference, digital radio development, etc., the true intent of most of the material put before the Commission can be distilled to one simple thing—protecting their perceived claim to property. It’s not about operating in the public interest, convenience or necessity, but a revenue stream. For big radio, everything else is an ancillary issue.

**Where property interests are concerned, the arguments for and against LPFM are the same.** Big radio has spent a lot of money to get these revenue-generating broadcast properties, and they intend to protect that revenue from any incursions, however small, by any means available. They want us to believe this protection has to come at the expense of LPFM. LPFM supporters worry that even if the proposal passes, full-power interests will bring predatory actions against individual operators, diminishing the value of any investment in LPFM service.

Obviously, a broadcast licensee has a right to the revenue the service generates. It is fair to say that a new low power service could affect broadcast property values in the aggregate. However, this effect will most likely be very small, since the proposed limits on power, height and bandwidth for LPFM will assure the relative superiority of full-power FM services.

**Big radio seems to forget that radio services use the public domain.** As such, the public has the right to make the most efficient possible use of the broadcast spectrum. This is especially appropriate when the action does not unduly harm existing services and has been deemed valuable to society.

Throughout history, our government has asked us to collectively put up with moderate inconvenience for the greater good. For example, money is deducted each month from our individual incomes to support public education. Some oppose this, arguing that they have a right to keep this money since they have no children receiving this service. But our society throws this argument out. The deductions apply to everyone because it has been determined that the contributions of public education to society outweigh our individual property rights to that portion of our salaries. I agree, and offer the same justification for LPFM service.

Occasionally, the government asks a few of us to endure more inconvenience than others to achieve the same greater good, such as when a homeowner is forced to uproot her prize rosebushes for the installation of a centrally located fire hydrant to serve her cul-de-sac. Surely the homeowner felt she had been singled out, but the public’s desire for the safety offered by the unsightly hydrant outweighed her individual right to the immaculate yard she had enjoyed for some time. In the real world, we all experience and accept inconveniences that make life better for others, whether it’s a payroll deduction, a fire hydrant or even a red light on our way to work.

I contend the benefits of LPFM to society at-large supersede the property rights of an ever-shrinking group of individuals controlling virtually all *major market* wealth within the full-power broadcast industry. Creating LPFM benefits society by improving our quality of life and increasing listener choice; not creating LPFM benefits only certain individuals with a vested interest in preserving the monetary value of broadcast real estate.

No one denies that the investments of full-power radio deserve reasonable protection. These reasonable protections are on the table in the form of the numerous operating limits placed on LPFM stations.

**Any business that operates as a public trustee should reasonably be expected to show sensitivity and deference to the public interest.** The notion that many within the full-power radio industry have chosen instead to direct their energy into a litany of semi-truthful comments before the Commission is of great concern. No one can be blamed for resisting change, but let's not forget we are all sitting on a great opportunity to do the right thing for the right reasons.

Respectfully Submitted by

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